

**Chapter 21A.22**  
**DEVELOPMENT STANDARDS - MINERAL EXTRACTION AND**  
**MATERIALS PROCESSING**

998            SECTION 15. Ordinance 10870, Section 439, as amended, and K.C.C.

999    21A.22.010 are each hereby amended to read as follows:

1000            **Purpose.** The purpose of this chapter is to establish standards ~~((which))~~  
1001    that minimize the impacts of mineral ~~((extractive))~~ extraction and materials  
1002    processing operations upon surrounding properties by:

1003            A. Ensuring adequate review of operating aspects of ~~((extractive))~~  
1004    mineral extraction and materials processing sites;

1005            B. Requiring project phasing on large sites to minimize environmental  
1006    impacts;

1007            C. Requiring minimum site areas large enough to provide setbacks and  
1008    mitigations necessary to protect environmental quality; and

1009            D. Requiring periodic review of ~~((extractive and processing))~~ mineral  
1010    extraction and materials processing operations to ensure compliance with the  
1011    ~~((most current))~~ approved operating standards.

1012            SECTION 16. Ordinance 10870, Section 440, and K.C.C.21A.22.020 are  
1013    each hereby amended to read as follows:

1014            **Exemptions.** ~~((The provisions of t))~~ This chapter shall ~~((not))~~ only apply  
1015    to uses or activities ~~((specifically exempted in K.C.C. 16.82.050))~~ that are mineral  
1016    extraction or materials processing operations.

1017            SECTION 17. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are  
1018    each hereby amended to read as follows:

1019           **Grading permits required.** Extractive operations and materials  
1020 processing operations shall commence only after issuance of a grading permit.

1021           NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter  
1022 21A.22 a new section to read as follows:

1023           **Preapplication community meetings.** A. Prior to submitting an  
1024 application for a new mineral extraction or materials processing site or processing  
1025 operation, or an application for an expansion of an existing mineral extraction  
1026 operation or materials processing site beyond the scope of the prior environmental  
1027 review, the applicant shall convene a community meeting.

1028           B. At least two weeks before the meeting, the applicant shall:

1029           1. Publish a notice of meeting in a local newspaper of general circulation  
1030 in the affected area;

1031           2. Mail the notice of the meeting to the department and to the  
1032 unincorporated area council serving the area where the site is located; and

1033           3. Mail the notice of meeting to all property owners within one-quarter  
1034 mile of the proposed or expanded site, or at least twenty of the nearest property  
1035 owners to the site, whichever is greater, and to all property owners within five-  
1036 hundred feet of any proposed haul routes from the site to the nearest arterial. The  
1037 mailed notice shall at a minimum contain a brief description and purpose of the  
1038 project, vicinity map, including address and parcel number, photo or sketch of  
1039 proposed facility, an estimate of the size and scope of the operation, proposed  
1040 haul routes, a contact name and telephone number to obtain additional  
1041 information and other information deemed necessary by King County. Because

1042 the purpose of the community meeting is to promote early discussion, the  
1043 applicant should note any changes to the conceptual information presented in the  
1044 mailed notice when the application is submitted to the department.

1045 B. At the community meeting at which there must be at least one  
1046 department employee in attendance, the applicant shall provide information  
1047 relative to existing residences and lot patterns within one-quarter mile of potential  
1048 sites, and shall discuss reasons why alternative haul routes are unfeasible.  
1049 Furthermore, any alternative routes identified by community members and  
1050 provided to the applicant in writing at least five days in advance of the meeting  
1051 shall be preliminarily evaluated by the applicant and discussed at the meeting. A  
1052 listing of the routes, identified in writing and provided to the applicant at or  
1053 before the community meetings, shall be submitted to the department with the  
1054 proposed application. Applicants shall also provide a list of meeting attendees  
1055 and those receiving mailed notice, a record of the published meeting notice and  
1056 documentation of the meeting at the time of application submittal.

1057 SECTION 19. Ordinance 10870, Section 442, and K.C.C. 21A.22.040 are  
1058 each hereby amended to read as follows:

1059 **Nonconforming ((~~extractive~~)) mineral extraction operations.** To the  
1060 ((~~extent determined feasible by the county~~)) maximum extent practicable,  
1061 nonconforming ((~~extractive~~)) mineral extraction operations shall be brought into  
1062 conformance with the operating conditions and performance standards of ((~~K.C.C.~~  
1063 ~~21A.22.070~~)) this chapter during permit renewal. The schedule for conformance

1064 shall be developed during the first periodic review of the nonconforming mineral  
1065 extraction operation and incorporated into the permit conditions.

1066 SECTION 20. Ordinance 10870, Section 443, as amended and K.C.C.

1067 21A.22.050 are each hereby amended to read as follows:

1068 **Periodic review.** ~~((Unless a more frequent review is required by the~~  
1069 ~~county, periodic review of extractive and processing operations shall be provided~~  
1070 ~~as follows:))~~

1071 A. ~~((A))~~In addition to the review conducted as part of the annual renewal  
1072 of a mineral extraction operating permit or materials processing permit, all  
1073 ~~((extractive))~~ mineral extraction operations and materials processing operations  
1074 shall be subject to a review of ((development)) site design and operating standards  
1075 at five year intervals((;)).

1076 B. The periodic review ~~((shall be:~~

1077 ~~—1. Conducted by the director or zoning adjustor pursuant to the review~~  
1078 ~~process outlined in K.C.C. 21A.42.040—.090;-))~~ is a Type 2 land use decision.

1079 ~~((—2. Used to))~~ C. The periodic review shall determine ((that)):

1080 1. Whether the site is operating consistent with all existing permit  
1081 conditions; and

1082 2. That the most current site design and operating standards ((and to  
1083 ~~establish other))~~ are applied to the site through additional or revised permit  
1084 conditions ((as)) necessary to mitigate identifiable environmental impacts.

1085 SECTION 21. Ordinance 10870, Section 444, as amended, and K.C.C.

1086 21A.22.060 are each hereby amended to read as follows:

1087           **Site design standards.** Except as otherwise provided for nonconforming  
1088   (~~((extractive))~~) mineral extraction operations in K.C.C. 21A.22.040, in addition to  
1089   requirements in this title, all (~~((extractive and processing))~~) mineral extraction and  
1090   materials processing operations shall (~~((at minimum))~~) comply with the following  
1091   standards:

1092           A. The minimum site area of (~~((an extractive))~~) a mineral extraction or  
1093   materials processing operation shall be (~~((40))~~) ten acres.

1094           B. (~~((Extractive))~~) Mineral extraction or materials processing operations on  
1095   sites larger than (~~((20))~~) twenty acres shall occur in phases to minimize  
1096   environmental impacts. The size of each phase shall be determined during the  
1097   review process(~~((;))~~).

1098           C. (~~((F))~~)If the department determines they are necessary to eliminate a  
1099   safety hazard, fences, or alternatives to fences approved by the department, shall  
1100   be:

1101           1. Provided in a manner (~~((which))~~) that discourages access to (~~((safety~~  
1102   ~~hazards which may arise on))~~) areas of the site where:

1103           a. active extracting, processing, stockpiling and loading of materials is  
1104   occurring;

1105           b. boundaries are in common with residential or commercial zoned  
1106   property or public lands; or

1107           c. any unstable slope or any slope exceeding a grade of (~~((40))~~) forty  
1108   percent is present; (~~((or~~

1109   —~~c. any settling pond or other stormwater facility is present;))~~)

1110           2. At least six feet in height above the grade measured at a point five feet  
1111   (~~((from the))~~) outside (~~((of))~~) the fence and the fence material shall have no opening  
1112   larger than two inches;

1113           3. Installed with lockable gates at all openings or entrances;

1114           4. No more than four inches from the ground to fence bottom; and

1115           5. Maintained in good repair(~~((;))~~).

1116           D. Warning and trespass signs advising of the (~~((extractive))~~) mineral  
1117   extraction or materials processing operation shall be placed on the perimeter of  
1118   the site adjacent to RA, UR or R zones at intervals no greater than (~~((200))~~) two  
1119   hundred feet along any unfenced portion of the site where the items noted in  
1120   subsection C.1.a(~~((-))~~). through c. are present(~~((;))~~).

1121           E. Structural setbacks from property lines shall be as follows:

1122           1. Buildings, (~~((or))~~) structures and stockpiles used in the processing of  
1123   materials shall be no closer than:

1124           a. One hundred feet from any (~~((UR or R))~~) residential zoned properties  
1125   except that the setback may be reduced to (~~((50))~~) fifty feet when the grade where  
1126   such building or structures are proposed is (~~((50))~~) fifty feet or greater below the  
1127   grade of (~~((said UR or R))~~) the residential zoned property(~~((, or))~~);

1128           b. (~~((Twenty))~~) Fifty feet from any other zoned property, except when  
1129   adjacent to another (~~((extractive))~~) mineral extraction or materials processing site or  
1130   an M or F zoned property(~~((, or))~~); and

1131 c. ~~((Twenty))~~ The greater of fifty feet from the edge of any public  
1132 street((:)) or the setback from residential zoned property on the far side of the  
1133 street; and

1134 2. Offices, scale facilities, equipment storage buildings and stockpiles,  
1135 including those for reclamation, shall not be closer than ~~((20))~~ fifty feet from any  
1136 property line except when adjacent to another ((extractive)) mineral extraction or  
1137 materials processing site((:)) or M or F zoned property. Facilities necessary to  
1138 control access to the site, when demonstrated to have no practical alternative, may  
1139 be located closer to the property line.

1140 F. ~~((No))~~ On-site clearing, grading or excavation, excluding that  
1141 necessary for required access, roadway or storm drainage facility construction or  
1142 activities pursuant to an approved reclamation plan, shall not be permitted within  
1143 ~~((20))~~ fifty feet of any property line except along any portion of the perimeter  
1144 adjacent to another ((extractive)) mineral extraction or materials processing  
1145 operation ((provided that such activities may be pursuant to an approved  
1146 reclamation plan;)) or M or F zoned property. If native vegetation is restored,  
1147 temporary disturbance resulting from construction of noise attenuation features  
1148 located closer than fifty feet shall be permitted.

1149 G. Landscaping ~~((as required pursuant to))~~ consistent with type 1  
1150 screening K.C.C. chapter 21A.16, except using only plantings native to the  
1151 surrounding area, shall be provided along any portion of the site perimeter where  
1152 disturbances such as site clearing and grading, or mineral extraction or materials  
1153 processing is performed, except where adjacent to another ((extractive)) mineral

1154 extraction, materials processing or forestry operation(~~(;and)~~) or M or F zoned  
1155 property.

1156 H. Relevant clearing and grading operating standards from K.C.C. chapter  
1157 16.82 shall be applied.

1158 I. Lighting shall:

1159 1. Be limited to that required for security, lighting of structures and  
1160 equipment, and vehicle operations; and

1161 2. Not (~~(direct)~~) directly glare onto surrounding properties.

1162 SECTION 22. Ordinance 10870, Section 445, as amended and K.C.C.  
1163 21A.22.070 are each hereby amended to read as follows:

1164 **Operating conditions and performance standards.** (~~(All-)~~)Operating  
1165 conditions and performance standards shall be as specified in K.C.C. 16.82  
1166 except:

1167 A. Noise levels produced by (~~(an extractive)~~) a mineral extraction or  
1168 materials processing operation shall not exceed levels specified by (~~(the King~~  
1169 ~~County Noise Ordinance))~~ K.C.C. chapters 12.86 through 12.100.

1170 B. Blasting shall be conducted under an approved blasting plan:

1171 1. Consistent with the methods specified in the Office of Surface  
1172 Mining, 1987 Blasting Guidance Manual in a manner that protects from damage  
1173 all structures, excluding those owned and directly used by the operator, and  
1174 persons in the vicinity of the blasting area, including but not limited to adherence  
1175 to the following:



1176           a. airblast levels shall not exceed one hundred thirty-three dBL  
1177 measured by a two Hz or lower flat-response system at the nearest residential  
1178 property or place of public assembly;

1179           b. flyrock shall not be cast one-half the distance to the nearest  
1180 residential property, place of public assembly or the property boundary,  
1181 whichever is less, and

1182           c. ground motion shall not exceed ground vibration levels damaging to  
1183 structures using one of the four accepted methods in the Blasting Guidance  
1184 Manual;

1185           2. During daylight hours; and

1186           3. According to a time schedule, provided to residents within one-half  
1187 mile of the site, that((:

1188           a.)) features regular or predictable times, except in the case of an  
1189 emergency((; and

1190           b. ~~is provided to residents within one-half mile of the site;))~~. If  
1191 requested by a resident, the operator shall provide notice of changes in the time  
1192 schedule at least twenty four hours before the changes take effect.

1193           C.1. Dust and smoke produced by ~~((extractive))~~ mineral extraction and  
1194 materials processing operations shall ~~((not substantially increase the existing~~  
1195 ~~levels of suspended particulates at the perimeter of the site and shall))~~ be  
1196 controlled by ~~((watering of the site and equipment or other methods specified by~~  
1197 ~~the county;))~~ best management practices to comply with relevant regulations of  
1198 the Puget Sound Clean Air Agency.

1199           2. Dust and smoke from process facilities shall be controlled in  
1200 accordance with a valid operating permit from the Puget Sound Clean Air  
1201 Agency. Copies of the permit shall be kept onsite and available for department  
1202 and public inspection. Copies of the Puget Sound Clean Air Agency monitoring  
1203 results shall be provided to the department on permit monitoring data submittal  
1204 dates.

1205           3. Dust and smoke from process facilities shall not significantly increase  
1206 the existing levels of suspended particulates at the perimeter of the site.

1207           D. The applicant shall ~~((provide for measures to))~~ prevent ~~((transport of))~~  
1208 rocks, dirt, ~~((and))~~ mud and any raw or processed material from spilling from or  
1209 being tracked by trucks onto public roadways and shall be responsible for  
1210 cleaning debris or repairing damage to roadways caused by the operation((;)).

1211           E. The applicant shall provide ~~((F))~~ traffic control measures such as  
1212 ~~((flagmen))~~ flaggers or warning signs as determined by the ~~((county shall be~~  
1213 ~~provided by the applicant))~~ department during all hours of operation~~((; and))~~.

1214           F. ~~((The applicant shall be responsible for cleaning of debris or repairing~~  
1215 ~~of damage to roadways caused by the operation.))~~ The operator shall control  
1216 surface water and site discharges to comply with K.C.C. chapter 9.04 and the  
1217 surface water design manual and shall maintain a valid National Pollutant  
1218 Discharge Elimination System permit. Copies of the erosion and sediment control  
1219 plan and the National Pollution Discharge Elimination System permit shall be  
1220 kept onsite and available for department review and shall be made available for  
1221 public inspection upon request. Copies of the National Pollution Discharge

1222 Elimination System monitoring results shall be provided to the department on  
1223 permit monitoring data submittal dates and the department shall make the results  
1224 available for public inspection. If it determines that National Pollution Discharge  
1225 Elimination System monitoring frequency or type is not adequate to meet the  
1226 demands of the site and the requirements of this subsection, the department may  
1227 require more frequent and detailed monitoring and require a program designed to  
1228 bring the site into compliance;

1229 G. The operator shall not excavate below the contours determined through  
1230 hydrologic studies necessary to protect groundwater and perched aquifers;

1231 H. If contamination of surface or ground water by herbicides is possible,  
1232 to the maximum extent practicable, mechanical means shall be used to control  
1233 noxious weeds on the site;

1234 I. Upon depletion of mineral resources or abandonment of the site, the  
1235 operator shall remove all structures, equipment and appurtenances accessory to  
1236 operations; and

1237 J. If the operator fails to comply with any provision of this section, the  
1238 department shall require modifications to operations, procedures or equipment  
1239 until compliance is demonstrated to the satisfaction of the department. If the  
1240 modifications are inconsistent with the approved permit conditions, the  
1241 department shall revise the permit accordingly.

1242 SECTION 23. K.C.C. 16.82.110 is hereby recodified as a new section in  
1243 K.C.C. chapter 21A.22.

1244           SECTION 24. Ordinance 1488, Section 12, as amended and K.C.C.  
1245   16.82.110 are each hereby amended to read as follows: [SALT Section 99]  
1246           ~~((Land restoration))~~ **Reclamation.** A. A valid clearing and grading  
1247   permit shall be maintained on a mineral extraction site until the reclamation of the  
1248   site required under chapter 78.44 RCW is completed.  
1249           B. A reclamation plan approved in accordance with chapter 78.44 RCW  
1250   shall be submitted before the effective date of a zone reclassification in Mineral-  
1251   zoned properties or the acceptance of any development proposal for a subsequent  
1252   use in Forest-zoned properties. The zone reclassification shall grant potential  
1253   zoning that is only to be actualized, under K.C.C. chapter 20.24, upon  
1254   demonstration of successful completion of all requirements of the reclamation  
1255   plan. Development proposals in the Forest zone for uses subsequent to mineral  
1256   extraction operations shall not be approved until demonstration of successful  
1257   completion of all requirements of the reclamation plan except that forestry  
1258   activities may be permitted on portions of the site already fully reclaimed.  
1259           C. Mineral extraction operations that are not required to have an approved  
1260   reclamation plan under chapter 78.44 RCW shall meet the following:  
1261           ~~((A))~~1. Upon the exhaustion of minerals or materials or upon the  
1262   permanent abandonment of the quarrying or mining operation, all nonconforming  
1263   buildings, structures, apparatus or appurtenances accessory to the quarrying and  
1264   mining operation shall be removed or otherwise dismantled to the satisfaction of  
1265   the director(~~(- This requirement shall not require land restoration on projects~~  
1266   ~~completed prior to January 1, 1971, except those covered under previously~~

1267 ~~existing zoning requirements.))~~;

1268 ((B))2. Final grades shall:

1269 a. be such so as to encourage the uses permitted within the primarily  
1270 surrounding zone or, if applicable, the underlying or potential zone  
1271 classification((-));

1272 b. result in drainage patterns that reestablish natural conditions of water  
1273 velocity, volume, and turbidity within six months of reclamation and that  
1274 precludes water from collecting or becoming stagnant. Suitable drainage systems  
1275 approved by the department shall be constructed or installed where natural drainage  
1276 conditions are not possible or where necessary to control erosion. All constructed  
1277 drainage systems shall be designed consistent with the Surface Water Design  
1278 Manual;

1279 ((C))3. ((G))All areas subject to grading or backfilling shall ((be made  
1280 with));

1281 a. incorporate only nonnoxious, nonflammable, noncombustible and  
1282 nonputrescible solids((-))

1283 ((D)) b. ((Such graded or backfilled areas,)) except for roads and areas  
1284 incorporated into drainage facilities, ((shall)) be ((sodded or)) surfaced with soil  
1285 of a quality at least equal to the topsoil of the land areas immediately surrounding,  
1286 and to a depth of ((at least four inches or a depth of that of)) the topsoil of land  
1287 area immediately surrounding ((if less than four)) six inches, whichever is greater.  
1288 The topsoil layer shall have an organic matter content of eight to thirteen percent  
1289 and a pH of 6.0 to 8.0 or matching the pH of the original undisturbed soil layer.

1290 Compacted areas such as pit floors or compacted fill shall be tilled or scarified prior  
1291 to topsoil placement;

1292 4. All reclaimed slopes shall comprise an irregular sinuous appearance in  
1293 both profile and plan view and blend with adjacent topography to a reasonable  
1294 extent;

1295 5. Where excavation has penetrated the seasonal or permanent water table  
1296 creating a water body or wetland:

1297 a. all side slopes below the permanent water table and banks shall be  
1298 graded or shaped as to not constitute a safety hazard;

1299 b. natural features and plantings to provide beneficial wetland functions  
1300 and promote wildlife habitat shall be provided; and

1301 c. appropriate drainage controls shall be provided to stabilize the water  
1302 level and not create potential flooding hazards;

1303 ~~((E))~~6. ~~((Such))~~ All cleared, graded or backfilled areas, including areas  
1304 surfaced with topsoil ((as required by subdivision D)), shall be planted with a  
1305 variety of trees, shrubs, legumes ((or)) and grasses((, and said flora shall be so  
1306 selected as to be)) indigenous to the surrounding area((:)) and appropriate for the  
1307 soil, moisture and exposure conditions;

1308 ~~((F. Graded or backfilled areas shall be reclaimed in a manner which will~~  
1309 ~~not allow water to collect and permit stagnant water to remain. Suitable drainage~~  
1310 ~~systems approved by the department of natural resources and parks shall be~~  
1311 ~~constructed or installed if natural drainage is not possible.))~~

1312           ((G)) 7. Waste or soil piles shall be ~~((leveled and the area treated as to~~  
1313 ~~sodding or surfacing))~~ used for grading, backfilling or surfacing if permissible  
1314 under this section, then covered with topsoil and ((planting as required in))  
1315 planted in accordance with subsections ~~((D))~~C.3 and ~~((E))~~ 6. of this section.  
1316 Waste piles not acceptable to be used for fill in accordance with this chapter or as  
1317 topsoil in accordance with subsection C.3 of this section shall be removed from the  
1318 site; and

1319           8. Where excavation has exposed natural materials that may create  
1320 polluting conditions, including but not limited to acid-forming coals and  
1321 metalliferous rock or soil, such conditions shall be addressed to the satisfaction of  
1322 the department. The final ground surface shall be graded so that surface water  
1323 drains away from any such materials remaining on the site.

1324           H. The department may modify any requirement of this subsection when  
1325 not applicable or if it conflicts with an approved subsequent use for the site.

1326           SECTION 25. Ordinance 10870, Section 446, as amended, and K.C.C.  
1327 21A.22.080 are each hereby repealed:

1328           NEW SECTION. SECTION 26. There is hereby added to K.C.C. chapter  
1329 21A.xx a new section to read as follows:

1330           **Mitigation and monitoring.** Unless otherwise provided, the applicant  
1331 shall mitigate adverse impacts resulting from the extraction or processing  
1332 operations and monitor to demonstrate compliance with the requirements of this  
1333 chapter.

1334            SECTION 27. Ordinance 10870, Section 447, as amended and K.C.C.  
1335    21A.22.090 are each hereby amended to read as follows:  
1336            **Financial guarantees.** Financial guarantees shall be required consistent  
1337    with ((~~the provisions of~~)) K.C.C. Title 27A.